



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APR 23 2003

Paper No. 10

In re Application of :
Ola M. Johansson *et al* : DECISION ON PETITION
Application No. 09/735,853 :
Filed: December 12, 2000 :
Attorney Docket No. 1174.054 :

The paper filed on December 17, 2002 styled as "Submission of Duplicate Amendment and Reply" is being treated as a petition under 37 CFR 1.181 to request withdrawal of the holding that this application stands abandoned for failure to timely file a reply to the Office letter dated March 20, 2002. No fee is required for the petition.

The petition is granted.

Petitioners allege that the holding of abandonment was in error, because the a reply to the Office letter in question was in fact filed, and that the reply was timely filed by reason of the authorization to charge Deposit Account No. 50-1170 in the amount of \$110.00 for a one month extension of time. Petitioner supports this allegation by furnishing a copy of the reply. The reply has affixed thereto a 37 CFR 1.8(a) certificate of mailing dated July 22, 2002, within the period for filing a reply that was set in the Office letter in question, as extended by the authorization discussed above. (See 37 CFR 1.136(a)(3), last sentence.

Based upon the evidence submitted with the petition, it is clear that this application was not in fact abandoned. Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status.

Office financial records show that the required extension of time was not charged, and the concurrently authorized claim surcharge fees were also not charged. Accordingly, the application is being forwarded to the Head Supervisory Applications Examiner to charge Deposit Account No. 50-1170 in the amount of \$110.00 for a one month extension of time, \$672.00 for eight additional independent claims and \$414.00 for twenty-three claims in excess of the number previously paid for. The transaction date for these charges should be July 22, 2002. At the same time, a refund of \$110.00 should be credited to the deposit account since the extension of time charged on December 17, 2002 was unnecessary.

Thereafter, the application will be forwarded to the examiner for action on the reply filed on July 22, 2002.

PETITION GRANTED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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